The Statute of Anne and the Great Abridgment Swindle

In The Eighth Commandment, published in 1860, the novelist and playwright Charles Reade railed against a number of ‘swindles’ by which authors were deprived of their just desserts. These included: the ‘adaptation swindle’; the ‘novel-dramatizing swindle’; the ‘drama-novelizing swindle’; and, the ‘abridgment swindle’. That an author had no legal redress against another producing a fair abridgment of his or her work was, for Reade, ‘heartless, illegal, and iniquitous’; in short, Britain was an ‘author-swindling’ nation.

Famously, in Gyles v. Wilcox (1741), Lord Chancellor Hardwicke considered the legality of abridging copyright-protected work before concluding that the legislation ‘must not be carried so far as to restrain persons from making a real and fair abridgement, for abridgements may with great propriety be called a new book’. In Strahan v. Newbery (1774) Lord Chancellor Apsley concurred with Hardwicke, remarking that an abridgment was ‘not an act of plagiarism upon the original work, nor against any property of the author in it, but an allowable and meritorious work’. Reade dismissed the decision in Strahan as ‘idiotic and inhuman’, and lamented that ‘[t]he property of authors is governed by judges’ law, and not by the Acts of the realm’.

Should Gyles and Strahan be understood as instances of unwelcome judicial activism?, or are they consistent with the spirit and the language of the Statute of Anne? This paper will consider the production and status of abridgments throughout the seventeenth and eighteenth centuries, as well as the content of the various printing privileges granted to members of the book trade both immediately before and after the passing of the 1710 Act. The practice of the book trade and the substance of these printing privileges provide an important context within which to locate the Statute of Anne, to re-assess the legacy of the decisions in Gyles and Strahan, and to reflect upon the implications of the Great Abridgment Swindle.

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